

ESTTA Tracking number: **ESTTA1101216**

Filing date: **12/11/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91237315
Party	Plaintiff American Marriage Ministries
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Submission	Motion to Strike
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Date	12/11/2020
Attachments	54080174 Motion.pdf(25367 bytes)

AMERICAN MARRIAGE MINISTRIES,)	
)	
Opposer,)	Opposition No. 91237315
v.)	
)	OPPOSER’S MOTION TO STRIKE
UNIVERSAL LIFE CHURCH)	APPLICANT’S OVERLENGTH REPLY
MONASTERY STOREHOUSE, INC.)	
)	
Applicant.)	
)	
)	

Trademark Rule 2.127(a) plainly states that “[t]he time for filing a reply brief will not be extended”² and that “[a] reply brief shall not exceed ten pages in length in its entirety.” 37 C.F.R.

FG:54080174.1

§ 2.127(a). Applicant’s brief, at twelve pages, plainly exceeds this limit. *See* 58 TTABVUE 2-13. Board precedent clearly demonstrates that reply briefs submitted in violation of the Board’s rule on page limits are not entitled to consideration. *See, e.g., Saint-Gobain Corp. v. Minn. Mining & Manufacturing Co.*, 66 U.S.P.Q.2d 1220, 2003 WL 476503 at *3-*4 (T.T.A.B. 2003) (“[T]he page limitation for briefs on motions is for the convenience of the Board and is intended to prevent the filing of unduly long briefs. This limitation cannot be waived by action, inaction or consent of the parties. . . . Accordingly, [briefs submitted] in violation of Board rules regarding page limitations . . . will receive no consideration.”); *Theatrical Stage Employees Union Local No. 2 of the Int’l All. of Theatrical Stage Employees & Moving Picture Technicians, Artists & Allied Crafts of the United States & Canada*, Cancellation No. 9205524, 2013 WL 11247717, at *1 (T.T.A.B. Nov. 1, 2013) (declining to consider an eleven-page reply brief); *see also Club Amenities, LLC Pettenon Cosmetici Snc*, Cancellation No. 9204317, 2005 WL 2034549, at *2 (Aug. 18, 2005) (non-precedential decision citing *Saint Gobain Corp.* and explaining that the Board will not “dissect a party’s brief to bring it within the allowable page limit”). The Board should follow this precedent and decline to consider Applicant’s Reply.

If the Board nevertheless decides to consider Applicant’s Reply, the Board should also consider the fact that Applicant has co-counsel who has appeared in this case, *see* 27 TTABVUE 2, when evaluating Applicant’s newly proffered excuses for failing to timely raise its objection to Opposer’s Notice of Reliance.

Dated: December 11, 2020

/Nancy V. Stephens/
Nancy V. Stephens WSBA No. 31510

regard to motions in *inter partes* proceedings before the Board are expressly prohibited” even where the non-moving party consents to movant’s requested extension).

OPPOSER’S MOTION TO STRIKE APPLICANT’S OVERLENGTH REPLY - 2

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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2020, I served the foregoing Opposer's Motion to Strike Applicant's Overlength Reply by emailing to Applicant as follows:

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/Nancy V. Stephens/
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